

# FOLLOWING THE FELLOWS

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## FELLOWS PROGRAMMING: The Connecticut Bar Association Policing Task Force

Deirdre M. Daly, Esq.  
*Fellow*



Last November, I was a speaker at the Connecticut Bar Foundation's program titled "The CBA Task Force's Recommendations on Policing in Connecticut," as part of the Constance Baker Motley Speaker Series on Racial Inequality. I was honored to be part of such a meaningful and excellent speaker series. The CBF kindly asked if I would share my experience on the Policing Task Force with all of the Fellows for the benefit of many who were unable to attend, but may be interested in the project.

In the wake of the murder of George Floyd and amid growing concern regarding policing in our country, the Connecticut Bar Association ("CBA")

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formed a Policing Task Force ("PTF"). I was deeply fortunate to be appointed one of the co-chairs of the PTF. The mission of the Task Force was to bring together a group of informed people with varied backgrounds, perspectives, and experiences in an effort to provide some practical suggestions regarding policing in Connecticut. The strength of our group lay in its diversity and its dedication to working together despite our different viewpoints. The PTF consisted of twenty-two people from throughout the state, including

community members and activists, attorneys and academics with varied practices and work experiences, and current and former members of state and federal law enforcement, including prosecutors, two Police Chiefs and the now former Chief State's Attorney.

From June 2020 through November 2021, the PTF met on a weekly basis, attended community listening sessions, and elicited the advice and counsel of the state judiciary, individual police officers, and representatives of police unions. On November 4, 2021, the Task Force issued a public Report which included twenty-three recommendations that had been unanimously approved by the CBA. The Report documents the work of the Task Force and our recommendations, all of which are the product of respectful but rigorous debate, and informed by legal and other research.

Before the report was released, we partnered with the Police Transparency and Accountability Task Force created by the General Assembly ("PTATF"), and with the permission of the CBA, we shared our draft recommendations with them to ensure they had the benefit of our thoughts on a timely basis. A

number of our recommendations were then adopted by the state legislature.

Policing in America, particularly today, is very hard. Police leaders and police officers face substantial challenges. In Connecticut, we are fortunate to have many dedicated officers and respected police leaders, some of whom are recognized nationally as models for their innovative and progressive work. Our recommendations were not meant to undermine their leadership or the critical work of these officers. Rather, the goal of our work was to create additional positive change, an evolution in policing that would better support both the police and the communities they serve.

As background, the CBA appointed two other attorneys to serve as co-chairs of the PTF: Rev. Keith King, a religious leader in New Haven and a former federal prosecutor in Connecticut; and Alexis Smith, the Executive Director of New Haven Legal Assistance. I learned a great deal from Keith and Alexis and it was an honor to serve with them.

Members of the Task Force each joined one of four Committees: Data Collection, Police Oversight, Moral Recognition, and Reimagining Police. In addition to the PTF meetings, the Committee members met regularly, often weekly, for almost eighteen months. PTF members also recruited fourteen others, mostly attorneys and academics, to join the Committees; to a person, these members made invaluable contributions to our work. The Committees worked independently and presented recommendations that were examined, debated, refined, and ultimately endorsed by all PTF members.

I chaired the Data Collection Committee which reviewed in detail approximately 86 incidents since 2001 in which Connecticut police officers and state troopers used deadly force. Connecticut State's Attorneys had investigated and prepared detailed public reports regarding these incidents in accordance with the applicable statute, see Conn. Gen. Stat. § 51-277a(c). The reports focus on whether the use of physical force by the police officer(s) violated state law, and in most incidents, there was a finding that the use of force was justified under the law.

Relying on the information contained in these public investigative reports, the Committee prepared a comprehensive dataset that documents critical facts relating to these incidents. There is a dearth of information regarding police deadly force incidents nationwide. We believe collecting, synthesizing, and publicly sharing the relevant data for these incidents in Connecticut is critical to any meaningful assessment of police work. A link to the dataset is included in the PTF Report (which is also publicly available on the CBA website).

The Oversight Committee examined how police departments, local communities, and state governments resolve allegations of systemic and individual instances of police misconduct. The Committee reviewed internal affairs divisions, civilian review boards, hiring practices, consent decrees, and pattern-or-practice lawsuits. We evaluated police department accreditation standards. And we surveyed how citizen complaints are recorded across the state. In all these inquiries, we asked: What are the options? What works? What is not working? Does one size fit all? The simple takeaway is that regardless of the specific oversight

measures a department or municipality may choose to implement, the most successful organizations will foster a culture of transparency, accountability, and professionalism. That is, by living “the examined life,” leadership will do the hard but necessary work of asking what we did wrong and how we can avoid that outcome again.

The recommendations of the Moral Recognition Committee are rooted in an acknowledgement that there is often distrust in the police, with deep historical roots, among African-Americans, other people of color, and their communities. We hope Connecticut's police departments will use our recommendations to repair and strengthen police-community relationships. We seek to create opportunities for departments to learn about, discuss, and address the root causes of this present and historic distrust. Through reconciliation initiatives, diversity, equity, and inclusion trainings, and community conversations, we believe police departments can build more just, equitable, and effective police-community relationships, and address the past and present impacts of structural and systemic inequality in law enforcement.

The Reimagining Police Committee examined the appropriate scope of police responsibility, considered calls for deploying alternative responders and related support proposals, and examined relevant police training and policies. The Committee also explored redefining public safety and combating systemic inequality by investing in programs that address the root causes of violence and crime (e.g., lack of employment opportunities, housing, quality education, or health care) by creating economic ecosystems in under-resourced communities.

It was a tremendous experience to work so closely with such a passionate and dedicated group of people in an effort to help address the deeply challenging issues faced by police in America today. I hope that our efforts are of value to police leaders, individual officers, and members of the communities they serve. I remain deeply grateful to all our partners who participated in this meaningful work.

If you are interested in learning more about the work of the PTF, attached is the [full report](#).

*Deirdre Daly, a partner at Finn Dixon & Herling LLP, was United States Attorney for the District of Connecticut from 2013 to 2017.*

## **FELLOWS OPPORTUNITY: A Call to Action for Lawyers: Afghans Applying for Asylum Need Your Help**

Sheila Hayre, Esq.  
Fellow



Kaelyn Mostafa, Esq.



Well over a year after Kabul fell to the Taliban, Afghan evacuees in the U.S. desperately need legal help. Best estimates indicate that over 900 Afghans have been settled in Connecticut. Once their temporary humanitarian parole status expires—which, for many, is set to happen on March 31, 2023—these evacuees must either apply for asylum or face legal limbo, along with the possibility of having to return to Afghanistan.

Many of the Afghans now living in Connecticut actively participated in the anti-Taliban resistance and only narrowly escaped; they include those affiliated with the former Afghan government or Afghan National Army forces and those who indirectly aided American forces, but also journalists, human rights defenders, women leaders, activists, etc. These individuals face retaliation if they return: Taliban forces regularly conduct violent raids of Afghan homes in search of their adversaries, and—*notwithstanding* promises of amnesty and forgiveness—threaten, beat, torture, kill, and “disappear” countless Afghan citizens who oppose them.

### Connecticut's Afghan Asylum Crisis

Non-profit organizations in Connecticut—like Integrated Refugee and Immigrant Services (IRIS) and Connecticut Institute for Refugees and Immigrants (CIRI)—are being flooded with requests for legal assistance and are already overwhelmed by the number of Afghans requiring pro bono asylum representation as their filing deadlines approach. There are simply not enough pro bono lawyers to fill the gap.

In response to this imminent crisis, a broad-based coalition of immigration and refugee non-profits from across the state have come together to create the CT Afghan Asylum Project (CAAP), which aims to recruit, train, and support attorney volunteers to represent Afghans in their asylum cases. **CAAP is now recruiting attorney volunteers to take on one or more affirmative Afghan asylum cases under the guidance of experienced immigration attorney mentors.** No prior immigration or litigation experience is needed, and attorneys need not be licensed in Connecticut in order to take an asylum case.

#### But how can I help?

While the typical asylum case may pose challenges for a volunteer attorney without prior immigration experience, Afghan asylum cases are uniquely suited for pro bono representation. In light of widespread human rights violations committed by the Taliban against the Afghan people, and the failure of Congress to pass the Afghan Adjustment Act, the United States Citizenship and Immigration Services (USCIS) appears to be taking a sympathetic approach in processing and adjudicating these cases. USCIS

has so far reported a 99.6% approval rate for Afghan asylum cases. In addition, USCIS has implemented fast-track processing of these cases, scheduling an interview within 45 days of the filing of the asylum application, with a final decision coming within 150 days of the interview.

Working within this administrative context, CAAP's mentoring structure ensures that pro bono attorneys have the support they need at every step in the asylum process. To allow for maximum collaboration, each attorney volunteer is assigned a case; next, the volunteer attorneys will be assigned to a small working group made up of a few other attorney volunteers with their own cases; finally, each attorney working group will be assigned an immigration attorney mentor for individual or group coaching as the cases progress.

The mentors, who are asylum experts from across the state, have agreed to schedule weekly office hours with their attorney working groups so that they will be available as needed to answer questions and provide more general guidance throughout the process. Each attorney working group will also be assigned a team of community

volunteers to provide administrative support, such as compiling client documentation, scheduling meetings, and, if needed, arranging for translation services.

In addition to attorney mentoring and volunteer support, **CAAP will host a two-hour training on Thursday, November 10<sup>th</sup>** and will provide all attorney volunteers with extensive how-to materials, including sample affidavits and country conditions reports.

Volunteer attorneys who participate in CAAP will represent their Afghan client(s) throughout the affirmative asylum process, which has two main parts: 1) preparation and submission of the Form I-589 asylum application along with supporting documents, including an affidavit from the client and any other evidence to prove that the client has a well-founded fear of persecution on account of his/her/their race, religion, nationality, political opinion, and/or membership in a particular social group; and 2) representation at the client's non-adversarial asylum interview at a USCIS branch office. Apart from the interview itself, the entire asylum process is estimated to require approximately 50 hours of volunteer

attorneys' time, depending on the complexity of the case.

Co-author Kaelyn Mostafa, now a second-year associate in Cohen and Wolf's commercial litigation department, has been part of the effort to develop and launch CAAP.

*"It can be daunting for attorneys to take on an asylum case if they are not well-versed in immigration law," says Attorney Mostafa. "But volunteers can be assured that, with guidance from experienced immigration attorneys, the process has been pretty straightforward and accessible." Mostafa adds that "structured and accessible mentorship is important to the practice of any area of law, and CAAP is designed to facilitate exactly that, for the purpose of addressing a pressing humanitarian need."*

CLE training on Thursday, November 10<sup>th</sup>

CAAP will be holding a training for continuing legal education credit on **Thursday, November 10, 2022, from 5:30-7:30 p.m.**, which attorneys may attend via Zoom or in person at Quinnipiac University School of Law in North Haven, in room MNH 270. (A recording of the training will also be

posted on the CBF website.) The training will provide an overview of the asylum process and eligibility requirements, as well as practice tips. Several of CAAP's immigration attorney mentors will be present at the training to answer questions and collect contact information from volunteer attorneys interested in representing an Afghan asylum seeker. If you are interested in volunteering for CAAP, but do not need to attend the training, please register for the training on the CBF website anyway so that CAAP can send you all necessary guidance and materials.

Obtaining asylum can mean the difference between life or death—not only for the individual client but also for close family members.

*CBF Fellow and Quinnipiac Clinical Professor Sheila Hayre describes the experience of representing asylum seekers as "a transformative experience for attorneys - both professionally and personally. Even decades later, you feel a special connection to and understanding of the country you are investigating and the plight of people persecuted there."*

As members of the Bar, under Rule 6.1 of the Connecticut Rules of Professional Conduct, it is our professional duty to perform "pro bono publico service." It is time to step up and answer the call. Please volunteer or help us to find someone who can.

If you are interested in getting involved, please contact CAAP at one or more of the addresses below:

For attorneys: Kaelyn Mostafa ([KMostafa@cohenandwolf.com](mailto:KMostafa@cohenandwolf.com)).

For community members: Kristy Jefferson ([kristy.jefferson@daract.org](mailto:kristy.jefferson@daract.org))

For firms or other inquiries: Sheila Hayre ([Sheila.hayre@quinnipiac.edu](mailto:Sheila.hayre@quinnipiac.edu)).

## FOCUS ON FELLOWS: Meet Fred Ury

Jack Steigelfest, Esq.  
Fellow



Fred Ury is a Connecticut lawyer whose work and influence have expanded far beyond the borders of our state. In addition to an active practice representing clients in Connecticut's Superior, Appellate, and Supreme Courts, now at Pullman &



Comley, LLC after many years at his own firm, Fred has found time to dedicate to numerous activities directed toward giving back to the profession. His work with the CBF, where he presently serves on the Board of Directors in an ex officio position after completing the maximum number of terms, provides only a brief insight into the scope of his volunteer efforts on behalf of the profession and beyond. He has served on what is now the CBF's Fellows Education and Program Committee and the Fellows Nominating Committee, and has presented at CBF programs. I had a chance to speak with Fred about some of his activities and what motivates him to get involved in them.

The overriding sense one gets in conversing with Fred Ury is one of intelligence, passion, and curiosity. When asked why he gets involved in the volunteer work he does, he responds that he feels he has to give back to a profession he loves and that has provided him with interesting people to meet and opportunities to pursue. He also thinks it is important for lawyers to help train and educate each other and the next generation of lawyers; he has been gratified by the opportunity to watch younger lawyers he has

mentored flourish not only in their practice but as leaders in various organizations.



*FRED URY*

That answer, while undoubtedly true, does not explain why he has gotten involved in the specific activities that he has. One gets a sense of the curiosity that drives him when he speaks about his interest in the future of the legal profession, which he has pursued with passion for over 20 years. He has studied the forces of globalization, demographics, and technology to help chart a course for the future practice of law, and traveled around the country to educate and learn about the subject. But Fred is not focused only on the future. After his term as President of the Connecticut Bar Association, he moved on to work with the American Bar Association, through positions with

its Center for Professional Responsibility and its Division of Bar Services, where he served as President of the National Conference of Bar Presidents. He also ran a foundation for 20 years, raising money to help fund AIDS vaccine research.

Throughout all of his activities, Fred's focus remains on the people affected by the law and who may be helped by his actions. He continues to work on an answer to the access to justice challenges many people experience. Although he appreciates all of the pro bono work that some lawyers do, he believes that pro bono is only a start; he maintains that the profession must scale some sort of program either with professionals other than lawyers or technology to help deliver access to justice to the part of the population that cannot afford an attorney but is facing a serious civil need like an eviction, foreclosure, or divorce. He refers to our profession's ability to self-govern as part of a grand bargain in exchange for assuring that the public can access justice, and warns that we must hold up our end of that bargain.

Fred's focus on people extends to those who have influenced him over

the years. When asked who inspires him to do what he does, he responds that he is amazed at the number of people he meets who do unbelievable things. He adds, "This weekend I talked to my friend Mike Freed who was the former President of the National Conference of Bar Presidents. He has an organization called Run Freed. He runs six marathons in six days in Florida to raise money for medical causes. Monte Frank in my own law firm, is another person who has devoted hours of his own time to organize bike rides to remember Sandy Hook and for other causes. The number of people that I personally know that devote hundreds of hours to the profession and other causes gives people hope that there is a lot of good in the world. It is during times like this that you have to double down on the good."

Fred insists that he has benefitted more from CBF and Bar Association work than he has given. He relates that a year ago his wife died, and the support from the lawyers and judges that he has worked with pulled him through that very dark time. Lawyers from all over the country were in touch and checked in to make sure he was ok. Beyond that, he adds, "The

professional enjoyment and just plain fun has been an important part of the work. Being able to call lawyers from around the country if you have a question or need an attorney is a gift. The fellowship is also an important part of experience.”

Fred Ury, in addition to all of his other contributions, is about the best ambassador for the Connecticut bar and for our profession we could imagine. Despite his many leadership positions, he remains humble and accessible and always willing to help. Nothing would make him happier than to have you join him.

## **CBF GRANTEES:** **Connecticut Legal Rights Project, Inc.**

*Kathleen M. Flaherty, Esq.  
Fellow*

*Executive Director, CLRP*



Connecticut Legal Rights Project (CLRP) was established in 1990 as a result of a consent decree in a lawsuit brought by the then-Connecticut Civil Liberties Union (now ACLU-CT) against

the then-Department of Mental Health (now DMHAS) on behalf of patients in state-operated inpatient psychiatric facilities who lacked adequate access to the courts.

Over the years, CLRP has had as many as nineteen people on staff working to advance the rights of people living with mental health conditions, with a priority on representing individuals currently residing in Connecticut's state-operated psychiatric hospitals to protect their rights under the Patients' Bill of Rights. CLRP also represents people who are eligible for mental health services from DMHAS who live in the community on civil legal matters. We currently have six attorneys and three paralegal advocates providing services across the state.

The clients we represent interact with various systems in which their voice is not always heard and given the respect it deserves. CLRP represents clients in accordance with their expressed preferences in administrative, judicial, and legislative venues to enforce their legal rights and assure that personal choices are respected and individual self-determination is protected.

Living with a mental health condition or any disability, especially in a high-cost state like Connecticut, often means living in poverty. Available benefits from programs like SSI are insufficient to pay for rent, unless a person also is fortunate enough to live in subsidized housing or have a tenant-based voucher. Many times, someone who experiences symptoms of a psychiatric disability engages in behaviors that are considered criminal; the collateral consequences of engagement with the criminal legal system pose a barrier to housing. CLRP has assisted numerous clients with requesting reasonable accommodations so that they have an equal opportunity to access housing that meets their needs.

Many people are probably aware that during the COVID-19 pandemic, tenants were protected from evictions. What most people don't know is that this protection did not extend to all tenants and that all eviction moratoria had exceptions for certain types of eviction actions. Tenants who were alleged to have committed a "serious nuisance" – language that is specifically defined in statute and further refined through development of case law –

were always at risk of losing their housing, even in the midst of a deadly pandemic. CLRP has defended multiple tenants who were at high risk from COVID due to their underlying health conditions during the course of the continuing pandemic; our representation enabled them to remain in their housing.

The COVID-19 pandemic has posed a particular risk to people living in congregate settings like inpatient psychiatric facilities. The very nature of an inpatient psychiatric unit makes social distancing impossible. Windows do not open. Ventilation systems are rarely up-to-date. Patients were restricted to units and were not going out into the community. Similar to what happens in correctional facilities, the virus would be brought in by staff as they went about their lives and came to work. CLRP partnered with the Bazelon Center for Mental Health Law and the Center for Public Representation to file a federal complaint in response to Covid deaths and unsafe conditions in two of Connecticut's state psychiatric hospitals. Once infection control protocols were developed and vaccines became available, that lawsuit was dismissed.

CLRP has also partnered with Disability Rights Connecticut (DRCT), the nonprofit agency designated by the Governor to serve as Connecticut's protection and advocacy agency for persons with disabilities, on several cases brought to address the violations of rights of people with disabilities. In January of 2022, Governor Lamont announced that his administration, working in cooperation with the Office of Attorney General William Tong, reached an agreement with DRCT and CLRP regarding the state's ongoing distribution of COVID-19 rapid antigen tests and N95 masks. The Department of Public Health issued new guidance to cities and towns regarding municipal distribution of test kits and masks. CLRP continues to work with DRCT on systemic litigation related to the forensic mental health system and the intersection of DMHAS and the Psychiatric Security Review Board.

We have been able to reach settlement with the Attorney General's office in a number of cases we have brought on behalf of clients in state facilities. We have obtained injunctive relief related to ongoing care and treatment; changes to Commissioner's policies, hospital facility policies, and

additional DMHAS training for all employees; and agreements related to damages. The case CLRP filed against the state in 2018 challenging the civil commitment statute remains pending.

CLRP was a founding partner of the Keep the Promise Coalition for mental health advocacy. After the Supreme Court issued its 1999 decision in *Olmstead v. L.C.*, CLRP convened a meeting of stakeholders to discuss building an inclusive and integrated system of community services and housing for persons of all ages who have mental health conditions. The lack of affordable housing (combined with voluntary services and supports) continues to present a barrier to community integration for our clients in state psychiatric hospitals, where the average length of stay is measured in years, not days or weeks.

For more about what we do, please visit our website at [www.clrp.org](http://www.clrp.org). You can follow us on social media at <https://www.facebook.com/CTLegalRightsProject/> or <https://twitter.com/CTLegalRights/>.

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